

***Interview Summary***

1. A proposed amendment was submitted for applicant's consideration. Examiner suggested Applicant to amend claims as shown in the Examiner's Amendment below in order to place the application in condition for allowance.

***Examiner's Amendment***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with the Applicant's Representative, J. Lavar Oldham (Reg. No. 53,409) on 05 February 2010.

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**IN THE CLAIMS**

Please amend the claims as below:

1-14. (Canceled)

15. (Currently Amended) A system that employs dynamic load balancing to asynchronously process synchronous requests, comprising:

one or more microprocessors that [[executes]] execute the following computer executable components stored on a non transitory computer readable storage

medium:

a query management component that:

receives a web-based request from a client; and  
publishes the web-based request in a queue;

an asynchronous processing component that:

detects available processing engine capacity;  
predicts future processing engine capacity; and  
distributes portions of the web-based request among processing

engines based on the detected and predicted processing engine capacity, including distributing a same portion of the web-based request to a plurality of different processing engines, such that each of the different processing engines in the plurality of processing engines returns a result for the same portion of the web-based request, whereafter a first result returned from the plurality of processing engine is initially selected for use;

an error handling component that automatically determines if the first result returned is in error and uses a subsequent result returned from the plurality of processing engines if available, and discards the first result if [[it]] the first result is in error or discards subsequent results when the first result returned is not in error, or if subsequent results are not available, conveys one or more portions of the web-based request associated with a failed processing engine to another processing engine, wherein the client is not informed of a processing failure;

a process engine component that groups processing engine results;

an output component that returns the grouped processing engine results synchronous with the web-based request; and

an orchestrator component that tracks and maintains one or more associations between the portions of the web-based request as the portions of the web-based request traverse through the processing engines.

16. (Previously Presented) The system of claim 15, further comprising an

adapter that translates the web-based request received *via* TCP/IP, IPX/SPX UDP/IP, HTTP, SOAP, or a proprietary synchronous protocol and conveys the translated web-based request to the processing engine component through an application processing interface (API).

17. (Previously Presented) The system of claim 16, wherein the adapter is one of a pluggable software component or an instance of an object.

18-41. (Canceled)

42. (Previously Presented) The system of claim 17, wherein the queue is utilized to store information related to a type of connection through which the web-based request was received in order to track the web-based request during processing.

43. (Canceled)

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***Allowable Subject Matter***

4. Claims 15-17 and 42 are allowed. The following is an examiner's statement of reasons for allowance: In interpreting the currently amended claims, in light of the specification, the Examiner finds the claimed invention to be patentably distinct from the prior art of record.

5. The features as recited in the amended independent claim 15, "*an orchestrator component that tracks and maintains one or more associations between the portions of*

*the web-based request as the portions of the web-based request traverse through the processing engines,” when taken in context with the claims as a whole are not taught by the prior art of record. The claimed limitations are fully supported in Applicant’s specification on page 18, lines 8-18 (i.e., Such intelligence can be based on statistics, inferences, probabilities and classifiers (e.g., explicitly and implicitly trained), including but not limited to, Bayesian learning, Bayesian classifiers and other statistical classifiers, such as decision tree learning methods, support vector machines, linear and non-linear regression and/or neural networks. The intelligence can be utilized to track a request or portion of request as it traverses through servers and is processed. In addition, the intelligence can be employed to maintain an association between any portions.) and as shown in figure 7:*

6.

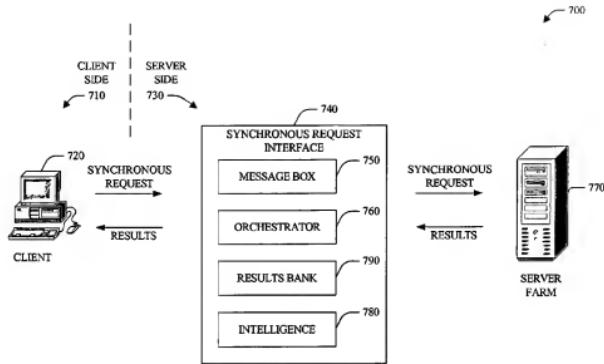


FIG. 7

7. In addition, the Examiner did not uncover any prior art that teaches or fairly suggests all of the limitations of the claimed invention. Dependent claims 16-17 and 42 are allowed as per their dependency upon allowable independent claim 15. Therefore, claims 15-17 and 42 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571) 272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ranodhi N Serrao/

Ranodhi N. Serrao  
Examiner, Art Unit 2444